JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

Janet Sayre Hoeft, Chair; Dale Weis, Vice-Chair; Don Carroll, Secretary; Paul Hynek, First Alternate; Lloyd Zastrow, Second Alternate

PUBLIC HEARING BEGINS AT **1:00 P.M.** ON MARCH 12, 2015 IN ROOM 205, JEFFERSON COUNTY COURTHOUSE

<u>CALL TO ORDER FOR BOARD MEMBERS</u> IS AT 9:45 A.M. IN COURTHOUSE ROOM 203, PRIOR TO THE HEARING

<u>SITE INSPECTION FOR BOARD MEMBERS</u> LEAVES AT 10:00 A.M. FROM COURTHOUSE ROOM 203, PRIOR TO THE HEARING

1. Call to Order-Room 203 at 9:45 a.m.

Meeting called to order @ 9:45 a.m. by Hoeft

2. Roll Call

Members present: Hoeft, Carroll

Members absent: Weis

Staff: Michelle Staff, Laurie Miller

3. Certification of Compliance with Open Meetings Law Requirements

Hoeft acknowledged publication. Staff also presented proof of publication.

4. Review of Agenda

Carroll made motion, seconded by Hoeft, motion carried 2-0 to approve the agenda.

5. Approval of February 12 Meeting Minutes

Carroll made motion, seconded by Hoeft, motion carried 2-0 to approve the February 12, 2015 meeting minutes.

6. **Communications** – The Board members received a sealed letter from

DavidHall. Carroll noted the letter would not be opened at this time, but they would address it contents at the time the appeal is presented in front of the Board.

NOTE: Hoeft will not be able to attend the April public hearing. Lloyd Zastrow has been called.

Dale Weis was present for site inspections.

7. Site Inspections – Beginning at 10:00 a.m. and Leaving from Room 203 V1443-15 – David & Laurie Jackowski, near N407 Oxbow Bend, Town of Koshkonong

AP1449-15 – David Hall, **W7730 Lamp Road,** Town of Sumner V1444-15, V1445-15, V1446-15, V1447-15 & V1448-15 – Judy Leikness, **N2903 CTH J,** Town of Oakland

V1440-15 – Aztalan Inn/Godfrey Enterprises LLC Property, **W6630 CTH B,** Town of Aztalan

V1442-15 – Kay Probst Trust/Brian & Jennifer Statz Property, **Probst Lane,** Town of Farmington

8. Public Hearing – Beginning at 1:00 p.m. in Room 205

Meeting called to order @ 1:00 p.m. by Hoeft

Members present: Hoeft, Carroll, Weis

Members absent: ----

Staff: Michelle Staff, Laurie Miller

9. Explanation of Process by Board of Adjustment Chair

The following was read into the record by Carroll:

NOTICE OF PUBLIC HEARING JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

NOTICE IS HEREBY GIVEN that the Jefferson County Zoning Board of Adjustment will conduct a public hearing at 1:00 p.m. on Thursday, March 12, 2015 in Room 205 of the Jefferson County Courthouse, Jefferson, Wisconsin. Matters to be heard are applications for variance from terms of the Jefferson County Zoning Ordinance. No variance may be granted which would have the effect of allowing in any district a use not permitted in that district. No variance may be granted which

would have the effect of allowing a use of land or property which would violate state laws or administrative rules. Subject to the above limitations, variances may be granted where strict enforcement of the terms of the ordinance results in an unnecessary hardship and where a variance in the standards will allow the spirit of the ordinance to be observed, substantial justice to be accomplished and the public interest not violated. Based upon the findings of fact, the Board of Adjustment must conclude that: 1) Unnecessary hardship is present in that a literal enforcement of the terms of the ordinance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome; 2) The hardship is due to unique physical limitations of the property rather than circumstances of the applicant; 3) The variance will not be contrary to the public interest as expressed by the purpose and intent of the zoning ordinance. PETITIONERS, OR THEIR REPRESENTATIVES, SHALL BE **PRESENT.** There may be site inspections prior to public hearing which any interested parties may attend; decisions shall be rendered after public hearing on the following:

<u>V1440-15 – Aztalan Inn/Godfrey Enterprises Property:</u> Variance from Sec. 11.07(d) of the Jefferson County Zoning Ordinance to allow additions to the property at **W6630 CTH B** at less than the minimum required setback to the centerline and right-of-way of CTH B, and from Sec. 11.09(c) to exceed 50% of the structural members of that building to allow expansion of its footprint. The property is on PIN 002-0714-1713-009 (0.6 Acre) in a Business zone, Town of Aztalan.

Darren Godfrey presented the petition. He stated they want to correct the permit status from the previous owner, and also wants an addition and addition of a walk-in cooler/freezer.

Hoeft questioned the highway setbacks. Mr. Godfrey explained the addition would encroach on the road.

There were no questions or comments in favor or opposition of the petitioner.

Mr. Godfrey approached the table and explained the petition, and showed the Board a map of the proposals. There was further discussion with the Board and petitioner regarding all that was being proposed in addition to the parking.

Staff report was given by Staff. She noted the previous permits that were issued and explained the petitioner's request. Staff questioned the petitioner if there was a survey on the property and where the addition was in relation to the ROW. Mr. Godfrey explained the proposed setbacks and measurement from the centerline and curb. Staff explained the required road setbacks and asked the petitioner if he had a discussion with the Highway Department. Mr. Godfrey stated that he had only talked

to the township. Staff explained the cooler addition and noted the square footages of the all the projects proposed.

There was a response from the town which was read into the record by Carroll, and was in favor of the petition. Weis read the response from the Jefferson County Highway Department into the record. The Highway Department does not support approval of the variance to the road.

Hoeft questioned the petitioner on problems the Highway Department noted in their response, and asked what had not been improved on. Weis re-read a portion of the Highway Department letter regarding the problems with the parking on the ROW which have not been corrected. Mr. Godfrey commented on the parking, and stated that he was willing to work on correcting any problems, but did not agree with the Highway Department's last comments regarding the parking. Weis noted there was no survey on the property, and commented on the road setbacks and the need for a survey to determine the placement of the road and ROW. Weis asked the petitioner if the setbacks he provided were from the foundation. Mr. Godfrey stated it was from the building. Weis stated that ordinance requires setbacks from the roofline. Carroll commented on the Highway Department statements on safety. Mr. Godfrey responded. Carroll further commented on safety, and asked Mr. Godfrey to address the three criteria. Hoeft commented that they may need to table the petition for additional information from a survey. Staff commented that there was a three-tiered request, and noted the Board's options. Weis asked about the existing addition, if denied. Staff stated that it would have to be converted back to what the permit was issued for. Weis reviewed with the petitioner the three criteria needed to approve a variance. Carroll noted that there were several issues to be considered, and asked the petitioner to explain the additions. Mr. Godfrey explained the need for the cooler, the addition that was not constructed properly according to the permit, and the need for the newer addition. There was further discussion the on the proposed variance requests. Staff noted the structure is in the vision triangle.

<u>V1442-15 – Kay Probst Trust/Brian & Jennifer Statz Property:</u> Variance from Sec. 11.04(f)6.d to allow A-1 zones transferred from one parcel of record to another to retain the possibility of A-3 lot creation. The site in question is on **Probst Lane** in the Town of Farmington, on PIN 008-0715-3321-000 (39.87 Acres). The parcel of record from which the lands were transferred is comprised of PINs 008-0715-2831-000 (40 Acres) and 008-0715-2832-000 (17.853 Acres), currently owned by the Kay Probst Trust.

Attorney Zick presented the petition. Kay Probst trustee was also present. Attorney Zick explained that they were requesting a variance to a procedural rule by requesting the transfer of building rights from the parent parcel. They were not asking to create

any more building rights. She went on to explain how they felt they met the three criteria needed for variance approval.

Carroll questioned how many lots they were asking to transfer. Attorney Zick responded they were only asking to transfer one lot. She went on to explain that this was done by mistake, and that Kay Probst does not want to retain the building rights. She further addressed the three criteria for variance approval.

There were no questions or comments in favor or opposition of the petition. There was a response in favor from the town in the file which was read into the record by Weis.

Hoeft questioned if the lands were transferred before or after February 2000. Attorney Zick stated that it was after. Hoeft questioned if this was a designated ag preservation area. Attorney Zick and Staff stated yes. Hoeft questioned if there was an existing farm residence on the property built before 1975. Zick stated no. Hoeft asked staff if they have any permitted principal uses as it exists. Staff stated yes. Hoeft asked staff if there are any permitted accessory uses as it exists. Staff stated yes. Hoeft asked staff if there were conditional farm related conditional uses on the property as it exists. Staff stated yes. Hoeft commented that they have use for the property if remains A-1.

Staff report was given by Staff. She explained ordinance requirements, transfer of lands, allowable lots, and parcel freezes. She noted the variance is not for an approval of an A-3 lot, but for the attempt to ask for an A-3 lot.

Weis asked for clarification on the transferred lands. Attorney Zick explained, and stated that they were not asking for an A-3 division, but to have the potential to ask for an A-3 lot. Staff provided further explanation on the request.

<u>V1443-15 – David Jackowski:</u> Variance from Sec. 11.07(d) to allow a structure at less than the required road right-of-way and centerline setbacks. Variance from Sec. 11.10(d) to reduce the minimum 75-foot setback required from an ordinary high water mark. Variance from provisions of Sec. 14:4.3(2) for an accessory structure with its first floor at less than the regional flood elevation height. Variance from Sec. 14:5(2) because the proposal does not meet all provisions of the flood storage district. The site is in the Town of Koshkonong, on PIN 016-0513-3412-021 (0.631 Acre) near **N407 Oxbow Bend.**

David Jackowski presented his petition. He explained his request and setbacks, and stated they need the structure to accommodate things used to enjoy the lake. He stated there was no other place on the property to put it. This structure does not

block anyone's view, it's not an eyesore, or prevent anyone from using the lagoon itself.

Laurie Jackowski also explained the use of the structure, and noted the structure has been there for twelve years. She stated that no one has ever complained including the plow drivers, and that it's located on a dead end road. She also stated there was no other place to put their stuff, and it doesn't bother anybody.

Hoeft questioned if it was impacted by the 2008 flood waters. Mr. Jackowski stated that it was. Mr. Jackowski further explained. Carroll questioned the petitioner on the three criteria needed for variance approval. Laurie Jackowski responded to the hardship, there was no other place to put it because all the high water marks have been changed, and that it had no effect on public interest. Carroll commented on the provision that granting a variance cannot violate state laws and administrative rules.

There were no questions or comments in favor or opposition of the petition. There was a response from Robert Davis, DNR, which was read into the record by Weis opposing this request. There was no response from the town in the file, and no one from the town was present. The petitioner stated they were at the town last night.

Hoeft questioned flood storage. Staff report was given by Staff. She explained the petitioner's request and ordinance requirements, and the difference between a shed and boathouse requirements. Staff went on to explain the 2008 flooding and noted that this has always been in the floodplain. She also explained all the changes in floodplain mapping and flood storage areas. She further explained what flood storage entailed. Staff noted that there was a complaint about the structure, and explained grandfathering restrictions when the property is in a floodplain and if the structure was legal. Additional information was provided on flood storage, floodplain requirements and the ordinary high water mark.

<u>V1444-15 – Judy Leikness:</u> Variance from Sec. 11.09(c) to exceed 50% of the structural members and allow expansion of the footprint of the house at **N2903 CTH J** in the Town of Oakland. The property is on PIN 022-0613-3511-000 (0.25 Acre) and is zoned A-1, Exclusive Agricultural.

Judy Leikness was present. Randy Mayer, project manager, presented the petition. He has drawn up the plans for the Leikness project. He stated the structure was constructed sometime around 1870-1880. Since that time, there have been multiple additions and a fire, and there is only a partial basement. He explained the problems with the structure and what they are proposing to do.

There were no questions or comments in favor or opposition of the petition. Judy Bennett, the neighbor to the north, did have several questions/concerns. She had a

concern with the rear setback (to the north) because there are no survey pins, and requested a survey be done to establish the rear lot line. She also questioned if a five foot setback was adequate enough for proper building maintenance, and questioned the existing septic and future septic placement.

There was a town response in the file, read into the record by Carroll, stating they would leave it up to the county for decision.

Carroll questioned the well location. Mayer stated it was on the east property line. Hoeft questioned if there was a survey of the property. Petitioner explained the setbacks he provided. There was a brief discussion on the site plan.

Staff report was given by Staff. She explained the petitioner's request, and questioned if there would be a new foundation or new walls, or reconstruction of the second floor. Mayer explained the reconstruction and expansion, but was not sure of all the structural work that needed to be done. Staff asked the petitioner if there was a survey of the property. Mayer stated there was not.

Carroll read into the record a response from the Highway Department which does not support a variance approval. Mayer made comment on the Highway Department response. There was further discussion on the ROW setbacks, safety issues, and the driveway proposal. Staff asked the petitioner if any of the home improvements would be closer to the road. Mayer stated that just the deck addition would be.

<u>V1445-15 – Judy Leikness:</u> Variance from Sec. 11.07(d)2. to allow detached garage construction at less than the required setbacks to CTH J and CTH C right-of-ways and centerlines. The site is at **N2903 CTH J** in the Town of Oakland on PIN 022-0613-3511-000 (0.25 Acre)in an A-1, Exclusive Agricultural zone. (Option 1)

Randy Mayer presented the petition. He stated that the proposed garage would not be any closer to CTH J than the existing building, but it would be closer to CTH C.

Weis questioned why the garage could not be attached to the house to lessen the encroachment on the ROW. Mayer stated they could do that, but where they could attach it, it would cause a drainage problem. Weis questioned if the setbacks provided were from the overhang. Mayer stated yes it was.

Staff report was given by Staff. She noted that this was being proposed in the vision triangle. There was a discussion on the setbacks.

<u>V1446-15 – Judy Leikness:</u> Variance from Sec. 11.04(f)6 to construct a detached garage at less than the minimum rear yard setback and 11.07(d)2 for it to be at less than the required setbacks to right-of-way and centerline of CTH C. The site is at

N2903 CTH J in the Town of Oakland on PIN 022-0613-3511-000 (0.25 Acre) in an A-1, Exclusive Agricultural zone. (Option 2)

Randy Mayer made comment on the Highway Department response, and further explained the petition.

Weis questioned the proposed setback of five feet to the neighbor's lot line, and noted that this was not a level area. Mr. Mayer explained that grading would be needed and that it would be a 5' berm situation. He was not opposed to a 10' setback. Weis commented it is unknown where the lot lines are.

Staff gave staff report. She explained the access requirements, not only with the highway, but also with ordinances.

Weis commented that the Highway Department owned the ROW. Staff stated that was correct. There was a discussion on the requested driveway – CTH J versus CTH C.

The petitioner stated that they would like to withdraw their variance requests for option one and two for the garage, and also for the driveway access request.

Weis questioned staff if inquiries are made in the office, are they recorded. Staff stated no, but sometime notes are taken on open files. Weis questioned Judy Leikness having a conversation with the Zoning Department. Mr. Mayer stated that he had talked to the Zoning Department. Weis questioned if there could be a deed restriction put on the property, so that if it was sold, a title search could bring things like this up.

<u>V1447-15 Judy Leikness:</u> Variance from Sec. 11.07(d)2 to construct a deck at less than the required right-of-way and centerline setbacks to CTH C. The site is at **N2903 CTH J** in the Town of Oakland on PIN 022-0613-3511-000 (0.25 Acre) in an Exclusive Agricultural zone.

The Board reviewed the plat map in the file of the proposed deck. Mr. Mayer discussed the setbacks, and noted the septic was relatively new and was sized for a two bedroom home. They were only proposing to expand the size of the existing bedrooms. The septic was put in in 1996.

Staff report was given by Staff. She noted there was not a setback listed and that we don't know where the lot lines are. The Highway Department was opposed.

There was a discussion on the need for a survey. Carroll asked if the petitioner would be OK with a condition for a survey. Mr. Mayer asked for clarification on what would be needed on the survey. Weis stated that they needed to show the structures and what is being proposed, and where they would be located.

<u>V1448-15 – Judy Leikness:</u> Variance from Sec. 11.06(d)3 to allow access onto CTH C at less than the requirement from an intersecting highway. The site is at **N2903 CTH J** in the Town of Oakland on PIN 022-0613-3511-000 (0.25 Acre) in an A-1, Exclusive Agricultural zone.

This petition was withdrawn by the petitioner's representative, Mr. Mayer, earlier in the hearing.

<u>AP1449-15 – David Hall:</u> Appeal of an administrative decision to not conduct a reassessment of the substantially damaged property at **W7730 Lamp Road**, PIN 028-0513-1144-019 (0.138 Acre) in the Town of Sumner. The site is in a Waterfront zone.

Staff informed the Board that this petition has been postponed until May.

Dave Jackowski provided the Board with a copy of the town's decision after the end of all petition testimony.

There was a break @ 3:12 p.m. before decisions. Back in session @ 3:20 p.m.

10. Decisions on Above Petitions (See following pages & files)

11. Adjourn

Carroll made motion, seconded by Hoeft, motion carried 3-0 to adjourn @ 4:04 p.m.

NOTE: Carroll and Weis returned their unopened letters from David Hall to the file.

If you have questions regarding these variances, please contact the Zoning Department at 920-674-7113 or 920-674-8638. Variance files referenced on this hearing notice may be viewed in Courthouse Room 201 between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, excluding holidays. Materials covering other agenda items can be found at www.jeffersoncountywi.gov.

The Board may discuss and/or take action on any item specifically listed on the agenda.

JEFFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator at 920-674-7101 at least 24 hours prior to the meeting so appropriate arrangements can be made.

meeting so appropriate arrangements car	i de made.
A digital recording of the meeting will be a	wailable in the Zoning Department upon request.
Secretary	 Date
Secretary	Date

PETITION NO.: HEARING DATE:	2015 V1440
HEARING DATE:	03-12-2015
APPLICANT:	Gregg/Darren Godfrey
PROPERTY OWNER:	Godfrey Enterprises LLC (Aztalan Inn)
PARCEL (PIN #):	002-0714-1713-009
TOWNSHIP:	Aztalan
INTENT OF DETITION	IED /T 11.1 1 1.11.
	NER: To add deck and addition to restaurant to exceed 50% or
	ers and at less than the minimum required setback to the
centerline and right-of-wa	y of CTH B.
THE APPLICANT REO	UESTS A VARIANCE FROM SECTION 11.09(c) & 11.07(d)
-	COUNTY ZONING ORDINANCE.
or majoritemeer e	CONTI ZONING CRETIVITION.
THE FEATURES OF TH	HE PROPOSED CONSTRUCTION AND PROPERTY WHICH
	NT OR DENIAL OF THE VARIANCE APPLICATION ARE:
	acture has had multiple permits issued for structural alterations
	not have any further non-conforming percentage left of the 50%,
	the Zoning Department 2014 permit issue, an addition would
	e Jefferson County Board of Adjustment. The structure does not
	both CTH B and CTH Q, and is within the vision triangle of these
	would like to add additions to the existing structure, but the exac
	are not known at this time. It appears the structure is currently 10
feet from the right-of-way	• • • • • • • • • • • • • • • • • • • •
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FACTS OR OBSERVATI	ONS BASED ON SITE INSPECTIONS: Site inspections
conducted. Obser	ved property layout & location.
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FACTS PRESENTED AT	Γ PUBLIC HEARING: See tape, minutes & file.

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SIGNI	E D :		CHAIRR				_DATE:		03-12-2015	
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PETITION NO.: HEARING DATE:	2015 V1442 03-12-2015
APPLICANT:	Kay Probst Trust
PROPERTY OWNER:	Brian & Jennifer Statz
PARCEL (PIN #):	008-0715-3321-000, 008-0715-2831-000 & 008-0715-2832-000
TOWNSHIP:	Farmington
	TER: To use lands that have been transferred out of an parcel A-3 lot for residential construction.
-	UESTS A VARIANCE FROM SECTION <u>11.04(f)(6)d</u> OF NTY ZONING ORDINANCE.
RELATE TO THE GRAN	HE PROPOSED CONSTRUCTION AND PROPERTY WHICH NT OR DENIAL OF THE VARIANCE APPLICATION ARE: Trust had approximately 293 acres. In the fall of 2000,
the Probst Trust rezoned a	a lot along Probst Lane and sold 80 acres after the rezoning was
-	obst Trust sold 40 acres to Brian & Jennifer Statz. Per Section
	s are transferred out of the parcel of record, they cannot be used
	oner is asking to move an existing lot from Switzke Road to new lot on lands that have been transferred from the parent parcel
1 100st Ell, and propose a	new lot on lands that have been transferred from the parent pareer
	ONS BASED ON SITE INSPECTIONS: Site inspections
conducted. Observ	ved property layout & location.
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DE	CIS	SION: THE F	REQUESTEI	O VARIANCE	IS DENIED.		
MC	TI	ON: Hoeft		SECOND	: Carroll	VOTE: 3-)
CO	NĽ	DITIONS OF	APPROVAL/	DENIAL:			
SIC	SNE	E D :				DATE:	03-12-2015
			CH	IAIRPERSON			

PETITION NO.:	2015 V1443
HEARING DATE:	03-12-2015
APPLICANT:	David & Laurie Jackowski
MILIOMII.	David & Lauric Jackowski
PROPERTY OWNER:	SAME
DADODI (DINI 4)	047 0542 2442 024
PARCEL (PIN #):	016-0513-3412-021
TOWNSHIP:	Koshkonong
INTENT OF PETITION	VER: After-the-fact variance for a 12'x16' detached shed not
meeting floodplain	and shoreland requirements.
THE APPLICANT REO	UESTS A VARIANCE FROM SECTION 11.07(d), 11.10(d),
	THE JEFFERSON COUNTY ZONING ORDINANCE.
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THE FEATURES OF TH	HE PROPOSED CONSTRUCTION AND PROPERTY WHICH
RELATE TO THE GRAN	NT OR DENIAL OF THE VARIANCE APPLICATION ARE:
Section 11.07(d)of t	the Jefferson County Zoning Ordinance requires structures to be
30 feet from the right-of-w	yay and 63 feet from the centerline. The shed is at the right of way.
Section 11.10(d) of the Jeff	erson County Zoning Ordinance requires all structures to be 75
	ake Koshkonong. This structure is 12 feet from the OHWM.
	ferson County Floodplain Ordinance requires an accessory
	at the regional flood elevation. There has not been any elevation
	o verify the exact height of the structure's first floor, but using 2
foot topography, it appear	s the structure is approximately at 782.0 whereas the regional
flood elevation height is 78	84.94 which is around a three foot difference. This area is
identified in a flood storag	ge district and this structure does not meet Section 14:5.2 of the
_	ain Ordinance. The petitioners would like their 12' x 16' shed to
remain as is.	•
FACTS OR OBSERVATI	ONS BASED ON SITE INSPECTIONS: Site inspections
conducted. Observ	ved property layout & location.
FACTS PRESENTED AT	T PUBLIC HEARING: See tape, minutes & file.

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*A V	ARIAN	CE MAY	BE GRAN	red if all th	ESE COND	OITIONS ARE MET	
				D VARIANCE IS		THE WILL	<u> </u>
			EQUESTE				
MOT	ION:	Weis		SECOND:	Carroll	VOTE: 3-0	
CON	DITIO	NS OF A	APPROVAL,	DENIAL:			
SIGN	ED:		CHAIRPE			DATE:	03-12-2015

PETITION NO.:	2015 V1444	
HEARING DATE:	03-12-2015	
APPLICANT:	Judy A. Leikness	
	•	
PROPERTY OWNER:	SAME	
PARCEL (PIN #):	022-0613-3511-000	
TOWNSHIP:	Oakland	
INTENT OF PETITION expansion of the house at		of the structural members and allow
expansion of the house at	1\2903 C111 J.	
THE APPLICANT REQ	UESTS A VARIANCE FR	OM SECTION 11.09(c)
OF THE JEFFERSON C	COUNTY ZONING ORDI	NANCE.
RELATE TO THE GRAI Currently the resid	NT OR DENIAL OF THE ence is in disrepair and the	RUCTION AND PROPERTY WHICH E VARIANCE APPLICATION ARE: e petitioner would like to be able to
		rebuild the structure. In addition, they ce over other existing first floor
		ks from CTH J or CTH C. In addition,
		completed for the property. Will there
	•	en't structurally sound, will they replace
them?		
T. 686 OR OR OR OTHER		
		NSPECTIONS: Site inspections
conducted. Obser	ved property layout & locar	tion.
EACTS DRESENTED AT	L' DIIRI IC HEADING.	See tape, minutes & file.
TACIS FRESENTED A	I FUDLIU HEARING:	oce tape, minutes & me.

A.			ARIANO DWING I				USE 1								
В.		ALLO	/ARIANO DWING / S OR AD	A USE O	F LAN	ID OR	PROF	ERT	WHI	CH V	OUL	D VIC		CT OF E STATE	
C.		WHE RESU STAN SUBS		ICT EN AN UN WILL A	FORCE NECE ALLOW	EMEN SSARY THE	NT OF Y HAR SPIRI	THE DSHI T OF	TERM P & W THE	IS OF HER ORD	THE E A V INAN	ORD ARIAI CE TO	INAN NCE O BE	NCE	•
		BASE	ED ON T	HE FIN	DING	S OF 1	F ACT ,	THE	BOAR	D CC	NCL	UDES	THA	AT:	
	10.	ENFO WOU THE CON	PROPE	ENT OF ULD NO RTY FO FY WITI	THE OT UN R A PI	TERN IREAS ERMIT	AS OF ONAE TTED	THE BLY PI PURP	ZONI REVE OSE C	NG O NT T OR W	RDIN HE O' OULD	NANC WNE REN	E R FR(DER	OM USINO	
	11.	PRO	HARDS PERTY I AUSE											NS OF THI	E
	12.	EXPI												NTEREST INANCE	AS
*A ⁻	VAI		CE MAY	BE GRA	NTEI) IF A	LLTH	ESE (COND	ITIO	NS AF	RE ME	Ξ Τ *		
			THE RI								_ , _ , _ ,	IVII			
		0 N :	Weis				OND:		oeft		VOT	E: 3-0	0		
			NS OF T								<mark>e petit</mark>	tioner	<mark>prese</mark>	nting a plat	of
				C	CHAI			or-			_DAT	E:	0	3-12-2015	

PETITION NO.:	2014 V1445
HEARING DATE:	03-12-2015
APPLICANT:	Judy A. Leikness
PROPERTY OWNER:	SAME
PARCEL (PIN #):	022-0613-3511-000
TOWNSHIP:	Oakland
	MER: To build a 20 feet by 24 feet detached garage (option #1) etback from CTH C and CTH J right-of-way.
-	UESTS A VARIANCE FROM SECTION <u>11.04(f) 6</u> OF THE ZONING ORDINANCE.
RELATE TO THE GRAN	HE PROPOSED CONSTRUCTION AND PROPERTY WHICH NT OR DENIAL OF THE VARIANCE APPLICATION ARE: n't put the proposed setback from the right-of-way on the site
	g to the site plan submitted that the structure would actually be
	yn on the site plan. In addition, the proposed structure is within J and CTH C. No structures are permitted within the vision
	d Zoning Department highly recommends denial of this request
due to safety fiazards.	
FACTS OR OBSERVATION	ONS BASED ON SITE INSPECTIONS: Site inspections
	ved property layout & location.
FACTS PRESENTED AT	T PUBLIC HEARING: See tape, minutes & file.

A.		Y BE GRANTED WHICH Y DISTRICT A USE NOT		
В.	ALLOWING A USE	Y BE GRANTED WHICH OF LAND OR PROPERT TRATIVE RULES:	Y WHICH WOULD VIO	
C.	WHERE STRICT EN RESULTS IN AN UN STANDARDS WILL	ABOVE LIMITATIONS, VIFORCEMENT OF THE VINECESSARY HARDSHIP ALLOW THE SPIRIT OF TICE TO BE ACCOMPLI	TERMS OF THE ORDING THE WHERE A VARIAN THE ORDINANCE TO	NANCE CE IN THE BE OBSERVED,
	BASED ON THE FIR	NDINGS OF FACT, THE	BOARD CONCLUDES	ГНАТ:
13.	ENFORCEMENT O WOULD/WOULD N THE PROPERTY FO	RDSHIP IS/IS NOT PRIF F THE TERMS OF THE IOT UNREASONABLY POR A PERMITTED PURIF TH SUCH RESTRICTION	ZONING ORDINANCE REVENT THE OWNER POSE OR WOULD RENI	FROM USING DER
14.	THE HARDSHIP IS, PROPERTY RATHE BECAUSE	<mark>/IS NOT</mark> DUE TO UNIQ R THAN THE CIRCUM	UE PHYSICAL LIMITAT STANCES OF THE APPI	TIONS OF THE LICANT
15.		LL/WILL NOT BE CON E PURPOSE AND INTE		
A VA	RIANCE MAY BE GR	ANTED IF ALL THESE	CONDITIONS ARE ME	<u>[</u>
DECI	SION: THE REQUES	TED VARIANCE IS GRA	NTED/DENIED.	
THIS	PETITION WAS WIT	HDRAWN BY THE PET	TIONER AT HEARING	
MOTI	ION:	SECOND:	VOTE:	
CONI	DITIONS OF APPROV	AL/DENIAL:		
SIGN	ED:	CHAIRPERSON	DATE:	03-12-2015

PETITION NO.:	2015 V1446		
HEARING DATE:	03-12-2015		
APPLICANT:	Judy A. Leikness		
PROPERTY OWNER:	SAME		
PARCEL (PIN #):	022-0613-3511-000		
TOWNSHIP:	Oakland		
INTENT OF PETITION	-	would like to const	ruct a 20' x 24'
detached garage less than	the rear and road setbac	eks.	
THE APPLICANT REQ	UESTS A VARIANCE F	ROM SECTION	11.04(f)6 & 11.07(d)2
OF THE JEFFERSON C			
THE FEATURES OF TH			
RELATE TO THE GRAI			
<u> </u>	ıld like to build a 20' x 24	0 0	
within 5 feet of the lot line			
setback is 20 feet. There is		•	
survey for this property. T	he petitioner is proposii	ng a new driveway o	on CIH C.
FACTS OR OBSERVATI	ONS BASED ON SITE	INSPECTIONS:_	Site inspections
conducted. Observ	ved property layout & loc	cation.	
FACTS PRESENTED AT	Γ PUBLIC HEARING:	See tape, min	nutes & file.
		· <u>p</u> -,	

A.		BE GRANTED WHICE DISTRICT A USE NO			
В.	ALLOWING A USE O	BE GRANTED WHICH BE LAND OR PROPER TRATIVE RULES:	RTY WHICH W	VOULD VIO	
C.	WHERE STRICT EN RESULTS IN AN UN STANDARDS WILL	BOVE LIMITATIONS FORCEMENT OF THE NECESSARY HARDS ALLOW THE SPIRIT TICE TO BE ACCOME	HE TERMS OF HIP & WHER OF THE ORD	THE ORDI E A VARIAN INANCE TO	NANCE CE IN THE BE OBSERVED,
	BASED ON THE FIN	NDINGS OF FACT, TH	HE BOARD CO	ONCLUDES '	ГНАТ:
16.	WOULD/WOULD N THE PROPERTY FO	RDSHIP IS/IS NOT IF THE TERMS OF THOT UNREASONABLY OR A PERMITTED PURE SUCH RESTRICTION	IE ZONING O PREVENT T RPOSE OR W	RDINANCE HE OWNER OULD RENI	, FROM USING DER
17.	THE HARDSHIP IS, PROPERTY RATHE BECAUSE	'IS NOT DUE TO UN R THAN THE CIRCU			
18.	THE VARIANCE WI EXPRESSED BY TH BECAUSE	LL/WILL NOT BE CO E PURPOSE AND IN			
A VA	RIANCE MAY BE GR	ANTED IF ALL THES	E CONDITIO	NS ARE ME	Г
	SION: THE REQUES				
THIS	PETITION WAS WITI	HDRAWN BY THE PE	ETITIONER A	T HEARING	•
MOTI	ON:	SECOND:		VOTE:	
COND	OITIONS OF APPROV	AL/DENIAL:			
SIGNE	ED:	CHAIRPERSON		_DATE:	03-12-2015

PETITION NO.:	2015 V1447
HEARING DATE:	03-12-2015
APPLICANT:	Judy A. Leikness
PROPERTY OWNER:	SAME
DADCEL (DINL#).	022 0712 2511 000
PARCEL (PIN #):	022-0613-3511-000
TOWNSHIP:	Oakland
	IER:To construct a deck at less than the required right-of-setbacks to CTH C
THE APPLICANT REQU JEFFERSON COUNTY 2	UESTS A VARIANCE FROM SECTION <u>11.07(d)2</u> OF THE ZONING ORDINANCE.
RELATE TO THE GRAN	IE PROPOSED CONSTRUCTION AND PROPERTY WHICH NT OR DENIAL OF THE VARIANCE APPLICATION ARE: sking for a deck closer to the road than the existing residence. On
-	setbacks listed from either the right-of-way or centerline. The
<u> </u>	from the right-of-way and 110 feet from the centerline.
	ONS BASED ON SITE INSPECTIONS: Site inspections
conducted. Observ	ved property layout & location.
EACTO DDECENTED AT	
FAC15 PRESENTED AT	PUBLIC HEARING: See tape, minutes & file.

A.								HAVE THE I	
В.		ALLC	OWING A		ND OR P	ROPERT	Y WHICH		EFFECT OF DLATE STATE
C.		WHE RESU STAN SUBS	CRE STRIC JLTS IN A NDARDS V	CT ENFOR AN UNNEC WILL ALLC	CEMENT CESSARY I OW THE S	OF THE HARDSH PIRIT OF	TERMS (IP & WHE		INANCE
		BASE	ED ON TH	HE FINDIN	IGS OF FA	CT, THE	BOARD (CONCLUDES	тнат:
	19.	WOU THE CON	ORCEME LD/WOU PROPER	NT OF TH ULD NOT U TY FOR A I Y WITH SU	E TERMS INREASO PERMITT	OF THE NABLY P ED PURI	ZONING REVENT POSE OR	WOULD REN	E R FROM USING
	20.	PROI						ICAL LIMITA OF THE APP	TIONS OF THE PLICANT
	21.		RESSED E						JC INTEREST AS ORDINANCE
*A ¹	VAI	RIANO	TE MAV E	RE GRANT	ED IF ALI	THESE	CONDITI	ONS ARE ME	
				QUESTED				OT TO TIKE WIL	
				QUESTED					_
MO	TIC	ON:	Weis		SECO	ND: Hoef	t	VOTE: 3-0)
				BLED PET existing and					presenting a plat
SIG	NE	ED:		CH/	AIRPERSO)N		DATE:	03-12-2015

PETITION NO.:	2015 V1448	
HEARING DATE:	03-12-2015	
ADDI ICANIT.	Ludy A. Lailman	
APPLICANT:	Judy A. Leikness	
PROPERTY OWNER:	SAME	
PARCEL (PIN #):	022-0613-3511-000	
TOWNSHIP:	Oakland	
	IER: To allow access onto CTH C at less than the	
requirement from an inter	secting nighway.	
-	UESTS A VARIANCE FROM SECTION <u>11.06(d)3</u> C NTY ZONING ORDINANCE.	OF
THE FEATURES OF TH	IE PROPOSED CONSTRUCTION AND PROPERTY WHI	ICH
	NT OR DENIAL OF THE VARIANCE APPLICATION AR	
The petitioner is pr	coposing a new driveway within 140 feet of an intersection who	ereas
	feet. The petitioner has an existing driveway along CTH J t	
is currently being used for	access of this property. The County Highway Department ha	as
many concerns and are no	t in favor of this proposal. Any access proposed would be req	uired
to be approved by Jefferso	n County Highway Department.	
	ONS BASED ON SITE INSPECTIONS: Site inspections	
conducted. Observ	ved property layout & location.	
FACTS PRESENTED AT	PUBLIC HEARING: See tape, minutes & file.	

A.			CH WOULD HAVE THE E OT PERMITTED IN THAT	
В.	ALLOWING A U		CH WOULD HAVE THE E RTY WHICH WOULD VIO	
C.	WHERE STRICT RESULTS IN AN STANDARDS WI	TENFORCEMENT OF THE UNNECESSARY HARDS ILL ALLOW THE SPIRIT	S, VARIANCES MAY BE GI HE TERMS OF THE ORDI SHIP & WHERE A VARIAN OF THE ORDINANCE TO PLISHED, & THE PUBLIC	NANCE ICE IN THE BE OBSERVED,
	BASED ON THE	E FINDINGS OF FACT, TI	HE BOARD CONCLUDES	ТНАТ:
2	ENFORCEMEN WOULD/WOUL THE PROPERT	T OF THE TERMS OF TH D NOT UNREASONABLY Y FOR A PERMITTED PU WITH SUCH RESTRICTION	PRESENT IN THAT A LITHE ZONING ORDINANCE Y PREVENT THE OWNER PROSE OR WOULD RENIONS UNNECESSARILY BU	E A FROM USING DER
2.			IQUE PHYSICAL LIMITAT MSTANCES OF THE APP	
2			ONTRARY TO THE PUBLICENT OF THE ZONING O	
A V.	ARIANCE MAY BE	GRANTED IF ALL THES	SE CONDITIONS ARE ME	Т
		UESTED VARIANCE IS G		
THIS	S PETITION WAS V	WITHDRAWN BY THE PI	ETITIONER AT HEARING	<mark>}.</mark>
мот	CION:	SECOND:	VOTE:	
CON	DITIONS OF APPI	ROVAL/DENIAL:		
SIGN	NED:	CHAIRPERSON	DATE:	03-12-2015
		CHAIRFERSUN		

PETITION NO.:	2015 AP1449
HEARING DATE:	03-12-2015
APPLICANT:	David Hall
PROPERTY OWNER:	SAME
PARCEL (PIN #):	028-0513-1144-019
TOWNSHIP:	Sumner
INTENT OF PETITION	ER:
	JESTS A VARIANCE FROM SECTION OF NTY ZONING ORDINANCE.
	E PROPOSED CONSTRUCTION AND PROPERTY WHICH IT OR DENIAL OF THE VARIANCE APPLICATION ARE:
FACTS OR OBSERVATI	ONS BASED ON SITE INSPECTIONS: Site inspections
conducted. Observ	ed property layout & location.
FACTS PRESENTED AT	PUBLIC HEARING: See tape, minutes & file.

ALLOWING IN ANY DISTRICT A USE NOT PERMITTED IN THAT DISTRICT	
B. NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING A USE OF LAND OR PROPERTY WHICH WOULD VIOLATE STATE LAWS OR ADMINISTRATIVE RULES:	
C. SUBJECT TO THE ABOVE LIMITATIONS, VARIANCES MAY BE GRANTED WHERE STRICT ENFORCEMENT OF THE TERMS OF THE ORDINANCE RESULTS IN AN UNNECESSARY HARDSHIP & WHERE A VARIANCE IN THE STANDARDS WILL ALLOW THE SPIRIT OF THE ORDINANCE TO BE OBSERVE SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, & THE PUBLIC INTEREST NO VIOLATED.	
BASED ON THE FINDINGS OF FACT, THE BOARD CONCLUDES THAT:	
25. UNNECESSARY HARDSHIP IS/IS NOT PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS OF THE ZONING ORDINANCE WOULD/WOULD NOT UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME BECAUSE	;
26. THE HARDSHIP IS/IS NOT DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE	E
27. THE VARIANCE WILL/WILL NOT BE CONTRARY TO THE PUBLIC INTEREST EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE_	AS
A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET	
DECISION: THE REQUESTED VARIANCE IS GRANTED/DENIED.	
THE BOARD ACCEPTS POSTPONEMENT OF THIS PETITION UNTIL THE MAY PUBL HEARING.	IC
MOTION: SECOND: VOTE:	
CONDITIONS OF APPROVAL/DENIAL:	
SIGNED: DATE: 03-12-2015 CHAIRPERSON	